

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SAJEEV CHERIAN,
25629 Little Krepps Court
Aldie, VA 20105

Plaintiff,

V.

Case No.: 1:22-cv-478

HARRIS TEETER SUPERMARKETS, INC.,
701 Crestdale Road
Matthews, NC 28105

Defendant.

NOTICE OF AND PETITION FOR REMOVAL

Petitioner/Defendant HARRIS TEETER SUPERMARKETS, INC., (“Defendant”) by counsel, and pursuant to 28 U.S.C. §1441 *et. seq.*, hereby files this Notice of and Petition for Removal of this action, from the Circuit Court for Loudoun County, Virginia, in which it is now pending, to the United States District Court for the Eastern District of Virginia (“Petition”), and in support thereof, respectfully states as follows:

1. Defendant has been named in a suit filed in the Circuit Court for Loudoun County, Virginia, Case No.: CL22-1843. Suit was filed on April 5, 2022.

2. Defendant was served or otherwise provided notice of the Summons and Complaint on April 13, 2022. Therefore, this Notice and Petition is timely pursuant to Title 28 U.S.C. § 1446(b)(1).

3. A Copy of the Summons, Complaint, and all related documents, as filed in the Circuit Court for Loudoun County, are attached as **Exhibit A**.

4. The above-entitled matter is a civil action for premises liability in which the Plaintiff alleges Defendant's negligence in connection with an incident that occurred on November 8, 2021, within the boundaries of Loudoun County, Virginia.

5. Plaintiff's Complaint demands damages in the amount of Five Hundred Thousand Dollars (\$500,000.00).

6. As alleged in the Complaint, Plaintiff is a current resident of Aldie, Virginia, located in Loudoun County.

7. As further alleged in the Complaint, Defendant Harris Teeter Supermarkets, Inc. is a North Carolina corporation with a principal place of business in Matthews, North Carolina.

8. As demonstrated above, the above-entitled action is one in which this Court has jurisdiction pursuant to Title 28 U.S.C. §1332(a)(1) as there is complete diversity among the parties. In addition, the amount in controversy exceeds the jurisdictional threshold of \$75,000.00 pursuant to Title 28 U.S.C. § 1332(a). Therefore, Defendant is entitled to remove this action to this Court under Title 28 U.S.C. §1441(b).

9. WHEREFORE, Petitioners/Defendants HARRIS TEETER SUPERMARKETS, INC., respectfully requests that the above-entitled action be removed from the Circuit Court for Loudoun County to the United States District Court for the Eastern District of Virginia.

Respectfully submitted this 29th day of April, 2022.

HARRIS TEETER SUPERMARKETS, INC.,

By Counsel

/s/ Joshua Hoffman

Joshua M. Hoffman, Esq. (Bar No. 78597)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of April, 2022, a true and accurate copy of the foregoing was filed with the Clerk of Court using the CM/ECF system, and the foregoing was also served via U.S. mail to the following:

James P. Magner, Esquire
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6 Writ Street, N.W.
First Floor
Leesburg, VA 20176

Counsel for Plaintiff

/s/ Joshua Hoffman

Joshua M. Hoffman